Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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No. 87-861

IN THE
Supreme Court of the United States
October Term, 1987

TEAMSTERS LOCAL No. 728,
Petitioner,

v.

LEO DOUGLAS MIMS,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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MEMORANDUM IN OPPOSITION

In this case the court of appeals, relying on *Hall v. Cole,* 412 U.S. 1 (1973), held that attorney fees may be awarded to plaintiffs who confer a "common benefit" on their fellow union members by enforcing the requirement, in Title IV of the Labor-Management Reporting and Disclosure Act of 1959, that unions comply with reasonable requests to distribute candidates' campaign literature by mail. 821 F.2d 1568. The only other court that had previously considered that issue, *Yablonski v. UMW,* 466 F.2d 424, 430-431 (D.C. Cir. 1972), reached the same conclusion.

In arriving at this conclusion, the court of appeals also drew support from opinions by several other circuits, 821

F.2d at 1570, which held that *intervenors* in Title IV actions brought by the Secretary of Labor may also be awarded fees. That issue is not, however, presented here.

Petitioner contends that the lower court misinterpreted this Court's decision in *Hall v. Cole,* but neither points to a conflict in the lower courts over this question, nor suggests that this is a question of significance requiring this Court's attention. Petitioner also expresses disagreement with the court of appeals' conclusion that a common benefit was created on the particular facts of this case, and urges the Court to follow the district court's view of the matter instead of that of the court of appeals. Nothing in either of petitioner's arguments warrants review by this Court.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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